

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 REMOH GARRY,

4 Plaintiff

Case No. 3:20-cv-00197-MMD-WGC

ORDER

5 v.

6 TORRESS, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 On March 31, 2020, Plaintiff, an inmate in the custody of the Nevada Department
11 of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF
12 No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an
13 application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
17 inmate must submit all three the following documents to the Court:

18 (1) a completed Application to Proceed in Forma Pauperis for Inmate, this
19 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
20 page 3),

21 (2) a Financial Certificate properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court's approved form), and

23 (3) a copy of the inmate's prison or jail trust fund account statement for the
24 previous six-month period.

25 The Court will grant Plaintiff a one-time opportunity to file a fully complete
26 application to proceed *in forma pauperis* containing all three of the required documents,
27 or in the alternative, pay the full \$400 filing fee for this action on or before **June 1, 2020**.
28 Absent unusual circumstances, the Court will not grant any further extensions of time. If

1 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all
2 three required documents or pay the full \$400 filing fee on or before **June 1, 2020**, the
3 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court
4 when Plaintiff is either able to acquire all three of the documents needed to file a fully
5 complete application to proceed *in forma pauperis* or pay the full \$400 filing fee. To clarify,
6 a dismissal without prejudice means Plaintiff does not give up the right to refile the case
7 with the Court, under a new case number, when Plaintiff has all three documents needed
8 to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may
9 choose not to file an application to proceed *in forma pauperis* and instead pay the full
10 filing fee of \$400 on or before **June 1, 2020** to proceed with this case. The Court will
11 retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint
12 unless and until Plaintiff timely files a fully complete application to proceed *in forma*
13 *pauperis* with all three documents or pays the full \$400 filing fee.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
16 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
17 as the document entitled information and instructions for filing an *in forma pauperis*
18 application.

19 IT IS FURTHER ORDERED that on or before **June 1, 2020**, Plaintiff will either pay
20 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
21 administrative fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
23 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
24 signatures on page 3),

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
26 official (i.e. page 4 of this Court's approved form), and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
28 **previous six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
2 application to proceed *in forma pauperis* with all three documents or pay the full \$400
3 filing fee for a civil action on or before **June 1, 2020**, the Court will dismiss this action
4 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
5 when Plaintiff has all three documents needed to file a complete application to proceed
6 *in forma pauperis* or pays the full \$400 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
8 (ECF No.1-1) but will not file it at this time.

9 DATED: April 2, 2020

10 Warren G. Cobb
11 UNITED STATES MAGISTRATE JUDGE
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